

SENATE BILL No. 125

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-14-3-1; IC 13-30-2-1.

Synopsis: Noxious odors. Requires the Indiana department of environmental management (IDEM) to encourage and advise local health departments in developing facilities and establishing standards with respect to certain environmental issues. Directs the IDEM rulemaking boards to adopt rules concerning the control of noxious odors.

Effective: Upon passage.

Mrvan

January 6, 2004, read first time and referred to Committee on Environmental Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 125

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-14-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The department
3 shall encourage and advise **local health departments and** local
4 governmental units referred to in IC 13-11-2-158 in developing
5 facilities or establishing standards for the following:

- 6 (1) Air, water, odor, and noise pollution control.
- 7 (2) Water or wastewater treatment.
- 8 (3) Water resource development.
- 9 (4) Solid waste disposal.

10 SECTION 2. IC 13-30-2-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A person
12 may not do any of the following:

- 13 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
14 cause, or allow any contaminant or waste, including any noxious
15 odor, either alone or in combination with contaminants from other
16 sources, into:
17 (A) the environment; or



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(B) any publicly owned treatment works;
in any form that causes or would cause pollution that violates or
would violate rules, standards, or discharge or emission
requirements adopted by the appropriate board under the
environmental management laws.

(2) Increase the quantity or strength of a discharge of
contaminants into the waters or construct or install a sewer or
sewage treatment facility or a new outlet for contaminants into the
waters of Indiana without prior approval of the department.

(3) Deposit any contaminants upon the land in a place and manner
that creates or would create a pollution hazard that violates or
would violate a rule adopted by one (1) of the boards.

(4) Deposit or cause or allow the deposit of any contaminants or
solid waste upon the land, except through the use of sanitary
landfills, incineration, composting, garbage grinding, or another
method acceptable to the solid waste management board.

(5) Dump or cause or allow the open dumping of garbage or of
any other solid waste in violation of rules adopted by the solid
waste management board.

(6) Dispose of solid waste in, upon, or within the limits of or
adjacent to a public highway, state park, state nature preserve, or
recreation area or in or immediately adjacent to a lake or stream,
except:

(A) in proper containers provided for sanitary storage of the
solid waste; or

(B) as a part of a sanitary landfill operation or other land
disposal method approved by the department.

(7) Construct, install, operate, conduct, or modify, without prior
approval of the department, any equipment or facility of any type
that may:

(A) cause or contribute to pollution; or

(B) be designed to prevent pollution.

However, the commissioner or the appropriate board may approve
experimental uses of any equipment, facility, or pollution control
device that is considered necessary for the further development of
the state of the art of pollution control.

(8) Conduct any salvage operation or open dump by open burning
or burn, cause, or allow the burning of any solid waste in a
manner that violates either:

(A) the air pollution control laws; or

(B) the rules adopted by the air pollution control board.

(9) Commence construction of a proposed hazardous waste

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1 facility without having first:

2 (A) filed an application for; and

3 (B) received;

4 a permit from the department.

5 (10) Commence or engage in the operation of a hazardous waste
6 facility without having first obtained a permit from the
7 department.

8 (11) Deliver any hazardous waste to a hazardous waste facility
9 that:

10 (A) is not approved; or

11 (B) does not hold a permit from the department.

12 (12) Cause or allow the transportation of a hazardous waste
13 without a manifest if a manifest is required by law.

14 (13) Violate any:

15 (A) condition;

16 (B) limitation; or

17 (C) stipulation;

18 placed upon a certificate of environmental compatibility by the
19 hazardous waste facility site approval authority or any other
20 provision of IC 13-22-10.

21 (14) Apply or allow the application of used oil to any ground
22 surface, except for purposes of treatment in accordance with a
23 permit issued by the department under any of the following:

24 (A) IC 13-15, except IC 13-15-9.

25 (B) IC 13-17-11.

26 (C) IC 13-18-18.

27 (D) IC 13-20-1.

28 (15) Commence construction of a solid waste incinerator without
29 first obtaining a permit from the department under IC 13-20-8.

30 (16) Commence operation of a solid waste incinerator without
31 first obtaining the approval of the department under IC 13-20-8.

32 **(b) Before July 1, 2005, the boards shall adopt under IC 4-22-2**
33 **rules referred to in subsection (a)(1) concerning the control of**
34 **noxious odors. The boards shall establish in the rules:**

35 **(1) methods for determining whether an odor is noxious; and**

36 **(2) procedures under which a person affected by a noxious**
37 **odor may petition the department to begin an administrative**
38 **proceeding to abate the noxious odor.**

39 **SECTION 3. An emergency is declared for this act.**

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